



PATENT

ATTORNEY DOCKET NO.: SMD-135

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hampl, Jr., et al.)	
)	Examiner: Dionne Walls Mayes
Serial No.: 10/618,096)	
)	Art Unit: 1731
Filed: July 11, 2003)	
)	Deposit Acct. No.: 04-1403
Title: Smoking Articles Having Reduced)	
Carbon Monoxide Delivery)	Client ID: 22827
)	
)	Confirmation No.: 4956

DECLARATION UNDER 37 C.F.R. 1.131

We, Vladimir Hampl, Jr., Alice Gu, and Kerry Mahone, declare:

1. We are the inventors of the claims of the patent application identified above and the inventors of the subject matter described therein.

2. U.S. Patent Application Publication Number 2004/0020504 of Snaidr, et al. filed Mar. 14, 2003 which claims priority to U.S. Provisional Application No. 60/364,137, filed on Mar. 15, 2002, and U.S. Patent Application Publication Number 2004/0250828 of Luan, et al. filed on June 13, 2003 were cited against the claims in the Office Action dated June 9, 2006.

3. Prior to March 15, 2002 and June 13, 2003, we reduced our invention to practice as described and claimed in the subject application.

4. As evidence of our reduction of practice prior to Mar. 15, 2002 and June 13, 2003, attached are lab notebook pages dated on Oct. 18, 23, and 26 of 2001. The attached notebook pages show that cigarette wrapper handsheets were made containing various fillers including iron oxide fillers. The handsheets were formed into cigarettes and tested using a smoking machine. The mainstream smoke was collected and analyzed for

carbon monoxide. As shown in the results, the cigarettes incorporating the handsheets containing yellow iron oxide produced lower amounts of carbon monoxide.

5. We acknowledge all statements made of our own knowledge in this declaration to be true and all statements made on information and belief in this declaration are believed to be true.

6. We further acknowledge that willful false statements and the like made in this declaration are punishable by fine or imprisonment, or both and may jeopardize the validity of the application or any patent issuing thereon.

November 9, 2006
Date

Vladimir Hampl, Jr.
Vladimir Hampl, Jr.

November 9, 2006
Date

Alice Gu
Alice Gu

November 9, 2006
Date

Kerry Mahone
Kerry Mahone

NOV 13 2006

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194 TITLE

PROJECT NO.

BOOK NO.

Work continued from Page

Sample wt. -		Ash wt. -		% Ash -	
5	White ①	4.142	3.537	85.4	85.4
5	Iron Oxide ②	4.308	4.273	99.2	
10	Iron Oxide ③	4.127	3.592	87.0	
Albacar (18K)					
Sheet #	(2) D. Water	m 25%	% PCC	% Other	PCC Calc
15	Stock	Filter			
194-1	105	8	30.3		30-12.4 21.270
194-2	"	"			
Yellow Iron Oxide (18K)					
194-3	105	8	36.7		SW-.323 AW-.1030
194-4	103	6	29.6		SW-.291 AW-.095
Albacar					
194-5	105	8	32.7		30-10.2 21.304
194-6	105	7	30.0		30-12.4 21.270
15	194-7	"	"		
Ultra White 90 Clay (2K)					
194-8	103	8	20.6		SW-.261 AW-.246
194-9	110	12	28.3		SW-.310 AW-.075
0	194-10	13	28.5		SW-.304 AW-.074
194-11	108	14	24.4		SW-.293 AW-.257
194-12	115	18	30.8		SW-.319 AW-.084
194-13	110	17	30.6		SW-.310 AW-.081
194-14	109	17	27.2		SW-.260 AW-.047
5	194-15	24	28.6		SW-.311 AW-.076

SCIENTIFIC BINDER PRODUCTIONS CHICAGO 60605 MADE IN USA

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Henry Kahan

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Black Iron Oxide
(12K)

Sheet #	(g) Diluted Stock	ml 5% Filler	% Filler	Ash Calc	BW	Concn
95-1	105	8	38.9	SW-332 AW-1129	33.4	6.0
95-2	100	5	26.4	SW-258 AW-068	26.3	
95-3	105	6	28.2	SW-280 AW-079	28.5	6.5
					30.9	

Resistance of Solution - 107.6
Cell Constant - 0.1013

Sample	3mm	DCI
Albacor	6.238 6.121	9.77 9.96
Ultra White 90	6.233 6.269	9.78 9.72
Yellow Iron Oxide	4.856 4.702	12.55 12.97
Black Iron Oxide	6.212 6.300	9.81 9.68

Sample	Sample Ash Wt.	Wt. % Ash	% Ash
925 Ash			
Baykron Iron Oxide 11207	3.708	3.674	99.1
Brown Iron Oxide B5095	3.119	3.042	97.5
Pure Black Iron Oxide BK-5099	3.676	3.617	98.4

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Henry Kahane

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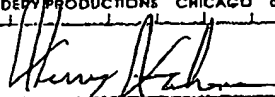
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Sample	MS	Puff	Co
5 Fluor	FW- 4006	9, 11, 9	4.1
White Flakes Ash	IW- 3101		
	30.2		
	FW- 4249	9, 10, 8	4.7
	IW- 3223		
10	34.2		
Ultra White 90	FW- 4431	11, 8, 8	7.6
Clay	IW- 3170		
	42.0		
15 Norm. Ash-black cohesive	FW- 4486	9, 9, 8	7.5
Cohesive	IW- 3143		
	45.1		
Y10-2288D	FW- 3059	6, 6, 6	3.6
20 Yellow Iron Oxide	IW- 3059		
Orange Ash, Flakes	20.0		
	FW- 3826	6, 6, 6	3.5
	IW- 3235		
	19.7		
25 Black Iron Oxide	FW- 4440	9, 8, 9	5.9
Brown Flakes Ash	IW- 3242		
	39.9		
	FW- 4196	9, 9, 8	5.6
30	IW- 3050		
	38.2		

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